REMARKS

The Office Action of December 24, 2008 has been carefully studied. The fee for a three-month extension of time is attended to electronically.

The following paragraphs correspond to the order of the paragraphs of the Office Action:

Applicants acknowledge the finality of the restriction requirement and withdrawal of claims 8-11 and 13 as being non-elected claims. To the extent that such claims will be dependent on allowed claims, rejoinder will be proper.

Information Disclosure Statement

With respect to French patents 2560889 and French 1301844, copies of these patents shall be submitted in a Supplemental Information Disclosure Statement with the attendant fee, along with a copy of the International Search Report which sets forth the pages, columns and paragraphs of the pertinency of these references. In addition, the Supplemental Information Disclosure Statement will include new references which were surfaced by other agencies.

Specification

The expression "g/cm^3" is added to page 8, line 1 to provide units so as to comport with the units in Table 1 on page 13 regarding bulk density.

Claim Objections

Claim 4 is amended by introducing the unit g/cm^3.

Claim Rejections - 35 U.S.C. 103

Before commenting on the contents of the references, attention is courteously invited to the amendment of claim 1 wherein the active charcoal is specified as being produced by physical activation of olive marc. Physical activation is to be contrasted to chemical activation, both types of activation being discussed on page 9, lines 12-25 of the application. It is courteously submitted that because physical activation does not involve the utilization of chemical agents,

and involves higher activation temperatures, it necessarily does not have any residual chemicals which otherwise remains after a washing step in the chemical activation process. Furthermore, the high activation temperature would necessarily lead to a more complete destruction of any unwanted impurities.

As to the use of olive marc, the resultant product is very advantageous, as pointed out in the last paragraph of the specification, repeated for the Examiner's convenience as follows:

> "It is apparent that only the active charcoal manufactured from olive marc exhibits the optimum characteristics, namely: particularly strong mechanically, rapidly impregnated, with an excellent catalytic performance and exhibiting low contents of inorganic impurities, in particular iron."

With respect to the cited prior art, it is not seen that any combination of the cited references would lead to Applicants' invention. It is to be recalled in particular, that the bed strength charcoals is an industrial important property not suggested by the references.

Applicant's French representative offers the following further analysis:

4. Claim Rejections Under 35 U.S.C. 103

Over Filippova (US 5,618,573) in view of Marty (U.S. 4,794,097) and Degen (U.S. 4,664,683) Filippova does not address at all the issue of bed strength. In fact the active charcoal is simply mixed with a mixture of ethyl alcohol and water (i.e. vodka), to remove the impurities present in vodka. There is therefore no suggestion at all to use the teaching of this document to arrive at the present invention where the charcoal is used as a catalyst support and encounters high pressures when laid in beds.

Degen proposes a dust-free structure wherein carbon particles are mixed with a powdered plastic material, heated, and pressurized, to mould and cast said dust-free structure. Useless to say this teaching is very far from the activated charcoal of the invention, and combining the teachings of Filippova and Degen is almost impossible, or leading to anything but the subject matter of the present invention.

The Examiner is also of this opinion and tries to support his reasoning by citing the Marty

reference.

Marty discloses a catalyst and its support, the support being a solid adsorbent obtained by the pyrolysis of wash concentrates of raw wools. Marty does not address the bed strength issue, but according to the Examiner should have turned to the teaching of Degen in order to improve it. The result would thus have been to mix, heat and press the support by Marty with a plastic material as in Degen. The result would have been anything but the charcoal of the present invention.

4.2 Over Filippova, Marty and Degen, in view of Carlson (U.S. 4,248,694)

Carlson suggests there is a catalyst bed (see column 2, line 49), however does not either address the issue of bed strength. Again the skilled in the art would have used the teaching by Degen, and would then have failed to arrive at the subject matter of the present invention.

4.3 Over Filippova, Marty and Degen, in view of Martin (U.S. 3,739,550)

Martin discloses the improved regeneration values of its catalyst. It is said (see column 2, lines 32-34) that "the specifications of the(se) adsorbents ... can be varied in a wide range". Useless to say that Martin does not address any of the issues raised and solved by the specific active charcoal of the present invention. Regarding the bed strength issue, the combination with the teachings of Degen would have lead to the same conclusion as stated in point 4.2 above.

4.4 Over Filippova, Marty, Degen, and Monereau (U.S. 2002/0010093) in view of Carlson

Firstly, the Examiner here needs not less than 5 different references to try to justify the obviousness of the present invention.

Secondly, Monereau discloses a process for the chemical treatment of an active charcoal, which is totally different from the active charcoal of the present invention which is a charcoal manufactured by physical activation.

As a conclusion, it is obvious that none of the numerous references cited by the Examiner teaches, alone or in any combination thereof, the active charcoal of the present invention, which is manufactured by physical activation, and present a bed strength of at least 1 MPa.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any residual issues which can be expeditiously resolved by a telephone conference, the Examiner is courteously invited to telephone Counsel at the number indicated below. If, however, Counsel is unavailable, the Examiner is invited to telephone Ms. Richardson at 703-812-5326, and she will be happy to enlist the services of another attorney.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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